RICE LAW, PLLC
105 N. 6th Street · Wilmington, North Carolina 28401

July 20, 2026

VIA ELECTRONIC MAIL — [redacted]

Karen Richards, Esq.
Deputy County Attorney
New Hanover County
230 Government Center Drive, Suite 125
Wilmington, North Carolina 28403

cc: Alex Riley, Esq.

RE: Public Records Request (ALPR/Flock), Contract #25-0364 — Withheld Searching-Agency Information; Request to Meet and Confer

Dear Ms. Richards:

I have returned from secured leave and am resuming this matter. I am writing to narrow the dispute rather than widen it, to answer the two grounds you gave me on June 29, and to ask that we meet and confer before either of us takes another step.

Where things stand

Rice Law made this request on February 24, 2026. The Sheriff's Office produced the contract and an audit reflecting approximately 2,980,082 searches, with the identity of every searching agency and every searching officer removed. I sent a demand letter on June 18, 2026, and confirmed its receipt with you on June 29.

You responded the same day. You wrote that the County was "seeking further clarification on what may be released," that you were "at the mercy of someone else's time frame for a response," and that you would "provide you an update next Monday." That Monday was July 6. I followed up on July 13. I have not received the update.

I am not raising that to be difficult. I am raising it because it is now fourteen days past a date the County set for itself, and five months past the request.

Your first ground, and why I think it misreads what I asked for

You wrote:

> "It would be my stance that a PRR to NHC does not grant you information about another entity or pulled by another entity, therefore I will not be able to provide you that information. Please feel free to contact each agency you believe uses FLOCK & request that information from them."

I do not ask New Hanover County for another agency's records. I ask New Hanover County for its own.

The audit log is a record the County holds, generated by the system the County pays for, documenting queries run against a network the County operates. Under N.C. Gen. Stat. § 132-1, a public record is one made or received in the transaction of public business by an agency of North Carolina government. This record was made and is held by the County. Whose name appears inside a record has never determined whose record it is. A visitor log at a county building does not become the visitor's record because it lists the visitor.

I would add that the alternative you propose cannot function. To request these records from each searching agency, I would first need to know which agencies searched. That information exists in one place: the log the County is withholding. The suggestion assumes the answer to the question I am asking.

Your second ground — which I am prepared to accept, at least for now

You also wrote that the County cannot identify which deputy ran a search because deputies use an anonymous entry code that would lose its anonymity if released, and that this was the piece on which the County was still seeking clarification.

I will take that concern at face value, and I will narrow my request accordingly.

I am not, in this letter, pressing for the identity of individual officers. I am asking only for the identity of the searching **agencies** — entity-level information. If the County produces the audit with the agency names restored and the individual entry codes still withheld, this dispute is resolved and I will say so publicly.

That is not a concession invented for this letter. It is the line another North Carolina law enforcement agency drew on these exact records.

What a peer agency did with the identical request

North Carolina A&T State University Police — sworn North Carolina law enforcement under N.C. Gen. Stat. § 116-40.5 — received a materially identical request from this firm on June 28, 2026 and produced on July 9, 2026, eleven days later.

Its production included the Flock Network Audit for March through May 2026. That audit names every organization that searched its network, including the Texas Department of Public Safety, the Houston and Dallas Police Departments, the North Carolina State Bureau of Investigation, and the United States Postal Inspection Service. It also identified the 363 organizations in its sharing configuration.

And it redacted precisely what you have described as your concern: the **individual searcher names** and the plate numbers. It did not redact the agency. A state law enforcement body, on the same vendor platform, under the same statute, concluded that the searching entity is disclosable and the individual searcher may be protected. That is the same line I am proposing here.

The University of North Carolina School of the Arts, given the same request, answered the sharing and hot-list questions directly rather than withholding them. Audit data for the Buncombe County Sheriff's Office now in public circulation likewise identifies searching agencies at the entity level, including agencies outside North Carolina.

I am not asking the County to defer to another agency's legal judgment. I am asking why the County's differs, and on what authority.

The statutory question

Under N.C. Gen. Stat. § 132-6(a) the custodian must permit inspection and furnish copies, and under § 132-6(c) no purpose need be stated. Where a record contains both exempt and non-exempt material, the custodian separates the two and produces what is disclosable rather than withholding the document entire. The burden of establishing an exemption rests with the custodian.

If the County relies on N.C. Gen. Stat. § 20-183.32(e), which makes captured plate data confidential and not a public record, I would ask you to address a difficulty on the face of the statute. Article 3D nowhere defines "captured plate data." The name of the agency that ran a query is not a plate, an image of a plate, or data converted from a plate. It is a record of how a public system was used. If the County reads that phrase to cover the searching entity, please identify the language that supports the reading.

If the County relies instead on § 132-1.4, I would ask which of these searches are records of a criminal investigation, and how that applies to a log generated in the routine administration of the system rather than in connection with any particular investigation.

If the County's position rests on some other provision, please tell me which. To date I have not received a citation to any.

Let us meet and confer

Before either of us spends more time on this in writing, I would like to sit down with you — in person, by telephone, or by video, whichever you prefer — and work through it.

I am available at your convenience this week, including outside business hours. If it would help to have someone from the Sheriff's Office or the vendor on the call to speak to what the platform can and cannot export, I welcome that. I have found in this work that a good deal of what looks like refusal turns out to be a technical question about report generation, and those are usually solvable in a conversation.

I make this offer genuinely. If there is a legitimate obstacle I have not understood, I want to hear it, and I will say so publicly if I have gotten something wrong.

What I am asking for, and by when

Please respond by Friday, July 24, 2026 with one of the following: a date and time to confer, the entity-level searching-agency information, or a written statement of the specific statutory provision the County relies upon for each category withheld.

I would also appreciate an update on our June 30, 2026 follow-up request to the County concerning ALPR effectiveness records and the Title II disability-access review, which remains outstanding.

If the County needs more time on a particular item, tell me which and how long, and I will consider a reasonable extension. What I cannot do is keep waiting without an answer. Absent a response, I will understand the County to have declined to produce the withheld information without stating a statutory basis, and I will proceed accordingly. N.C. Gen. Stat. § 132-9 provides for an action to compel disclosure and permits an award of costs and reasonable attorneys' fees against a public entity that has not acted with substantial justification.

I would much rather have the conversation. These records concern a system that logged nearly three million searches involving the residents of this county, and those residents are entitled to know which agencies were searching — whatever the answer turns out to be.

Thank you for your attention to this matter.

Sincerely,

/s/ Mark Spencer Williams

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